



General Assembly

January Session, 2003

Amendment

LCO No. 6600

HB0581006600HDO

Offered by:
REP. FOX, 144th Dist.

To: House Bill No. 5810

File No. 203

Cal. No. 156

"AN ACT CONCERNING THE LIQUOR CONTROL ACT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (b) of section 19a-342 of the general statutes, as
4 amended by section 1 of public act 03-45, is repealed and the following
5 is substituted in lieu thereof (*October 1, 2003*):

6 "(b) (1) Notwithstanding the provisions of section 31-40q, as
7 amended by this act, no person shall smoke: (A) In any building or
8 portion of a building owned and operated or leased and operated by
9 the state or any political subdivision thereof; (B) in any area of a health
10 care institution; (C) in any area of a retail food store; (D) in any
11 restaurant; (E) in any area of an establishment with a permit issued for
12 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
13 22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, [30-37c,] 30-37e
14 or 30-37f, in any area of an establishment with a permit for the sale of
15 alcoholic liquor pursuant to section 30-23 issued after May 1, 2003,

16 and, on and after April 1, 2004, in any area of an establishment with a
17 permit issued for the sale of alcoholic liquor pursuant to section 30-22a,
18 [or] 30-26 or the bar area of a bowling establishment holding a permit
19 pursuant to subsection (a) of section 30-37c; (F) within a school
20 building while school is in session or student activities are being
21 conducted; (G) in any passenger elevator, provided no person shall be
22 arrested for violating this subsection unless there is posted in such
23 elevator a sign which indicates that smoking is prohibited by state law;
24 or (H) in any dormitory in any public or private institution of higher
25 education. For purposes of this subsection, "restaurant" means space,
26 in a suitable and permanent building, kept, used, maintained,
27 advertised and held out to the public to be a place where meals are
28 regularly served to the public.

29 (2) This section shall not apply to (A) correctional facilities; (B)
30 designated smoking areas in psychiatric facilities; (C) public housing
31 projects, as defined in subsection (b) of section 21a-278a; (D)
32 classrooms where demonstration smoking is taking place as part of a
33 medical or scientific experiment or lesson; (E) smoking rooms
34 provided by employers for employees, pursuant to section 31-40q, as
35 amended by this act; (F) notwithstanding the provisions of
36 subparagraph (E) of subdivision (1) of this subsection, the outdoor
37 portion of the premises of any permittee listed in subparagraph (E) of
38 subdivision (1) of this subsection, provided, in the case of any seating
39 area maintained for the service of food, at least seventy-five per cent of
40 the outdoor seating capacity is an area in which smoking is prohibited
41 and which is clearly designated with written signage as a nonsmoking
42 area, except that any temporary seating area established for special
43 events and not used on a regular basis shall not be subject to the
44 smoking prohibition or signage requirements of this subparagraph; or
45 (G) any tobacco bar, provided no tobacco bar shall expand in size or
46 change its location from its size or location as of December 31, 2002.
47 For purposes of this subdivision, "outdoor" means an area which has
48 no roof or other ceiling enclosure, "tobacco bar" means an
49 establishment with a permit for the sale of alcoholic liquor to

50 consumers issued pursuant to chapter 545 that, in the calendar year
51 ending December 31, 2002, generated ten per cent or more of its total
52 annual gross income from the on-site sale of tobacco products and the
53 rental of on-site humidors, and "tobacco product" means any substance
54 that contains tobacco, including, but not limited to, cigarettes, cigars,
55 pipe tobacco or chewing tobacco.

56 Sec. 502. Subsection (a) of section 31-40q of the general statutes, as
57 amended by section 2 of public act 03-45, is repealed and the following
58 is substituted in lieu thereof (*Effective October 1, 2003*):

59 (a) As used in this section:

60 (1) "Person" means one or more individuals, partnerships,
61 associations, corporations, limited liability companies, business trusts,
62 legal representatives or any organized group of persons.

63 (2) "Employer" means a person engaged in business who has
64 employees, including the state and any political subdivision thereof.

65 (3) "Employee" means any person engaged in service to an employer
66 in the business of his employer.

67 (4) "Business facility" means a structurally enclosed location or
68 portion thereof at which employees perform services for their
69 employer. The term "business facility" shall not include: (A) Facilities
70 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection
71 (b) of section 19a-342, as amended by this act; (B) any establishment
72 with a permit for the sale of alcoholic liquor pursuant to section 30-23
73 issued on or before May 1, 2003; (C) for any business that is engaged in
74 the testing or development of tobacco or tobacco products, the areas of
75 such business designated for such testing or development; or (D)
76 during the period from October 1, 2003, to April 1, 2004,
77 establishments with a permit issued for the sale of alcoholic liquor
78 pursuant to section 30-22a, [or] 30-26 or the bar area of a bowling
79 establishment holding a permit pursuant to subsection (a) of section
80 30-37c.

81 (5) "Smoking" means the burning of a lighted cigar, cigarette, pipe
82 or any other matter or substance which contains tobacco."